



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

SDMS Document



116026

MAR 13 2012

**GENERAL NOTICE LETTER**  
**URGENT LEGAL MATTER**  
**PROMPT REPLY NECESSARY**  
**CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

Thermo Fisher Scientific, Inc.  
c/o Marc N. Casper, President and Chief Executive Officer  
81 Wyman Street  
Waltham, MA 02451

Re: Standard Chlorine Chemical Company ("SCCC") Superfund Site in Kearny,  
Hudson County, New Jersey: General Notice Letter

Dear Mr. Casper:

The U.S. Environmental Protection Agency ("EPA") has received and reviewed Thermo Fisher Scientific, Inc.'s responses dated January 31, 2011, February 1, 2011, March 7, 2011 and March 17, 2011, to its Information Request, dated November 16, 2010, which was sent to Thermo Fisher Scientific, Inc. in connection with the Standard Chlorine Chemical Company ("SCCC") Superfund Site ("the Site") located at 1025-1035 Belleville Turnpike in Kearny, New Jersey. Based on these responses and other available information, EPA has determined that Thermo Fisher Scientific, Inc. may be responsible under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), commonly known as the federal "Superfund" law, for cleanup of the Site and/or costs EPA has incurred in cleaning up the Site.

**Explanation of Potential Liability**

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties ("PRPs") may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by EPA in cleaning up a site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at a site, and persons who accepted hazardous substances for transport and selected a site to which the hazardous substances were delivered.

Based on the information collected, EPA believes that Thermo Fisher Scientific, Inc. may be liable under Section 107(a) of CERCLA with respect to the Site as a corporate successor to Tanatex Chemical Corporation, which was a previous operator at the Site, through its wholly-owned subsidiary Apogent Technologies Inc. Tanatex Chemical Corporation was acquired by and merged into Sybron Corporation, which merged into Sybron International Corp., which, in turn,

EPA has established an Administrative Record that contains documents that serve as the basis for EPA's selection of a cleanup action for the Site. The Administrative Record is available for inspection at the Superfund Records Center, EPA Region 2, located at 290 Broadway, 18<sup>th</sup> Floor, New York, NY 10007.

### **Resources and Information for Small Businesses**


As you may be aware, on January 11, 2002, President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at <http://www.epa.gov/swerosps/bf/sblbra.htm> and review EPA guidance regarding these exemptions at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>.

EPA has created a number of helpful resources for small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at [www.epa.gov](http://www.epa.gov). In addition, the EPA Small Business Ombudsman may be contacted at [www.epa.gov/sbo](http://www.epa.gov/sbo). Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act ("SBREFA"), which is enclosed with this letter.

Please give these matters your immediate attention and consider consulting with an attorney. If you have any questions regarding this letter, please contact the Site attorney, Ms. Raut, at either (212) 637-3122 or [Raut.Leena@epa.gov](mailto:Raut.Leena@epa.gov). Thank you for your prompt attention to this matter.

Sincerely,



 Walter Mugdan, Director  
Emergency and Remedial Response Division

Enclosures

cc: Alison Hess, EPA  
Leena Raut, EPA  
J. Forrest Jones, Esq., Thermo Fisher Scientific, Inc.  
Margaret Kelly, Esq., Standard Chlorine Chemical Corporation, Inc.  
Lori Mills, Esq., Tierra Solutions, Inc. and Occidental Chemical Corporation  
Charles McChesney II, Esq., Beazer East, Inc.  
Gary Gengel, Esq., Cooper Industries, LLC  
Davon Collins, Esq., Cooper Industries, LLC

Standard Chlorine List of Existing Potentially Responsible Parties

**Standard Chlorine Chemical Co., Inc.**

**Standard Naphthalene Products Co., Inc.**

Margaret Kelly, VP and General Counsel

Standard Chlorine Chemical Co., Inc.

Standard Naphthalene Products Co., Inc.

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**Tierra Solutions, Inc. & Occidental Chemical Corporation**

Tierra Solutions, Inc.

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Occidental Chemical Corporation

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# **Standard Chlorine Chem Co. Inc.**

**New Jersey**

EPA ID#: NJD002175057

## **EPA REGION 2**

**Congressional District(s): 09**

Hudson

Kearny

### **NPL LISTING HISTORY**

Proposed Date: 4/30/2003

Final Date: 9/19/2007

## **Site Description**

The Standard Chlorine Chemical Co., Inc. (SCCC) Site occupies an area of approximately 25 acres in a heavily industrialized area of Kearny, New Jersey. The SCCC property is bounded by the Hackensack River to the northeast, Belleville Turnpike to the southwest, the Diamond property to the north and northwest, and the Koppers Seaboard property to the southeast. The Diamond and Koppers Seaboard properties are also chemically contaminated by prior industrial uses and are being addressed under the State's Brownfields program. Manufacturing operations were conducted at the SCCC Site by various entities between 1916 and 1993, and included the refining of naphthalene, the manufacture of products from naphthalene, naphthalene derivatives, and dichlorobenzenes, the formulation of drain cleaning products, and the processing of trichlorobenzene. Several abandoned buildings in various states of disrepair are located on the property. Surface features include two connected lagoons located on the eastern end of the property as well as a drainage ditch that runs along the southern perimeter of the property and empties into the Hackensack River. A railroad right-of-way, the site of a former rail spur which is currently owned by the Hudson County Improvement Authority, is located west of the lagoon area and crosses the property in a north-south fashion.

Site responsibility: The Site is being addressed through a combination of Federal, state and potentially responsible party (PRP) actions.

## **Threat and Contaminants**

The main contaminants at the Site are aromatic compounds including naphthalene and dichlorobenzene, as well as dioxin and chromium.

## **Cleanup Approach**

The Site is being addressed in two stages: interim response actions (IRAs) designed primarily to stop the migration of contaminated groundwater and surface water into the Hackensack River, and a long-term remedial phase which will focus on comprehensive site remediation.

## **Cleanup Progress**

Earlier State-directed response activity has resulted in off-site disposal of asbestos wastes, as well as sampling and analytical characterization of soil and groundwater to help define the nature and extent of contamination.

A group of PRPs have implemented interim response actions under an approved IRA work plan to prevent the migration of groundwater and surface water contamination to the Hackensack River. A slurry wall was installed around the Site perimeter, including a bulkhead between the property and the River. The IRA also included consolidation and interim capping within the lagoon area of certain contaminated soils/sediments from around the Site, and the off-site disposal of containerized asbestos and other contaminated materials from earlier site activity. These PRPs submitted an Interim Remedial Action Report in December 2011 to document completion of the IRA slurry wall construction and soil consolidation and capping work. The IRA activities also include demolition of certain buildings, and a second Interim Remedial Action Report will be submitted in March 2012 to document that building demolition. The State of New Jersey provided oversight of the IRA, in consultation with EPA.

EPA negotiated a removal order with the PRPs to board up existing structures on the Standard Chlorine property prior to



## Office of Enforcement and Compliance Assurance **INFORMATION SHEET**

### **U. S. EPA Small Business Resources**

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

#### **Compliance Assistance Centers** ([www.assistancecenters.net](http://www.assistancecenters.net))

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

##### **Agriculture**

([www.epa.gov/agriculture](http://www.epa.gov/agriculture) or 1-888-663-2155)

##### **Automotive Recycling Industry**

([www.ecarcenter.org](http://www.ecarcenter.org))

##### **Automotive Service and Repair**

([www.ccar-greenlink.org](http://www.ccar-greenlink.org) or 1-888-GRN-LINK)

##### **Chemical Industry**

([www.chemalliance.org](http://www.chemalliance.org))

##### **Construction Industry**

([www.cicacenter.org](http://www.cicacenter.org) or 1-734-995-4911)

##### **Education**

([www.campuserc.org](http://www.campuserc.org))

##### **Healthcare Industry**

([www.hercenter.org](http://www.hercenter.org) or 1-734-995-4911)

##### **Metal Finishing**

([www.nmfrc.org](http://www.nmfrc.org) or 1-734-995-4911)

##### **Paints and Coatings**

([www.paintcenter.org](http://www.paintcenter.org) or 1-734-995-4911)

##### **Printed Wiring Board Manufacturing**

([www.pwbrc.org](http://www.pwbrc.org) or 1-734-995-4911)

##### **Printing**

([www.pneac.org](http://www.pneac.org) or 1-888-USPNEAC)

#### **Transportation Industry**

([www.transource.org](http://www.transource.org))

#### **Tribal Governments and Indian Country**

([www.epa.gov/tribal/compliance](http://www.epa.gov/tribal/compliance) or 202-564-2516)

#### **US Border Environmental Issues**

([www.bordercenter.org](http://www.bordercenter.org) or 1-734-995-4911)

The Centers also provide State Resource Locators

([www.envcap.org/statetools/index.cfm](http://www.envcap.org/statetools/index.cfm)) for a wide range of topics to help you find important environmental compliance information specific to your state.

#### **EPA Websites**

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

##### **EPA's Home Page**

[www.epa.gov](http://www.epa.gov)

##### **Small Business Gateway**

[www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)

##### **Compliance Assistance Home Page**

[www.epa.gov/compliance/assistance](http://www.epa.gov/compliance/assistance)

##### **Office of Enforcement and Compliance Assurance**

[www.epa.gov/compliance](http://www.epa.gov/compliance)

##### **Voluntary Partnership Programs**

[www.epa.gov/partners](http://www.epa.gov/partners)

